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DEC 27 2004

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DEC 27 2004  
OFFICE OF THE DIRECTOR  
TC 3600

In re application of  
Per A. Enevoldsen  
Application No. 10/623,641  
Filed: July 21, 2003  
For: NECKLACES AND BRACELETS  
WITH KEEPERs

: DECISION ON REQUEST  
: FOR WITHDRAWAL OF  
: ATTORNEY

This is a decision on the request filed on September 13, 2004 under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

The request is NOT APPROVED.

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

- A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;
- B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and
- C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

The request to withdraw as attorney in the above-identified application is not approved because the request does not comply with item B) above.

In this regard, absent a proper statement submitted in accordance with 37 CFR 3.73(b) providing documentary evidence of a chain of title from the original owner to the assignee, or a statement specifying where this evidence is recorded in the Office (e.g., reel and frame number), the "client" referred to in 37 CFR 10.40 is seen as being the individual who conferred power upon the attorneys, in this case, Per A. Enevoldsen. Therefore, the stated reason for withdrawal "that the Assignee has chosen an alternate counsel", is improper because there is no evidence in the file record establishing the assignee as the "client". A proper reason for withdrawal as enumerated in 37 CFR 10.40(b) subsections (1)-(4) or subsections (1)-(6) of 37 CFR 10.40(c) must be provided.



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